IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15671 of 2004

Between:

S.Luka, s/o Satyanandam, r/o Vendulaveni (V), Godudupally, Pulivendula (M), Cuddapah District.

..... PETITIONER

AND

1. The A.P.State Road Transport Corporation, rep., by its Managing Director, Musheerabad, Hyderabad.

2. The Regional Manager, APSRTC, Cuddapah Region, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction or writ more particularly one in the nature of writ of mandamus declaring the order passed by the 2nd respondent in proceedings No.E2/E6/684(1)/99-RM:C, dt.19-10-2002 deleting the petitioner's name from the select list as illegal, unjust, amounts to an act of victimization and unfair labour practice and also violative of Article 14, 16 and 21 of Constitution of India and set aside the same.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Standing Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following at the admission stage:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15671 of 2004

ORDER:

The petitioner worked as a Driver in the respondents- corporation. He was selected as a Driver in the year 1999 through the selection committee.

2. The petitioner contends that on 15-10-2001 he fell sick and the same was informed to the Depot Authorities. He underwent treatment for 20 days and due to bed rest he could not attend duty during the said period. Subsequently, the 2nd respondent issued proceedings dated 19-10-2002, against the petitioner alleging that the petitioner has not reported for duty during the strike period and his name was deleted from the approved panel of selected candidates without giving any prior notice or conducting any enquiry and without giving him any opportunity. The petitioner preferred an appeal to the appellate authority on 04-01-2003 but the respondents-corporation refused to receive the said appeal stating

that there is no appeal against deleting the name from the list of selected candidates. He, further, contends that this Court allowed the writ petition in W.P.No.4837 of 2003 in the matter of deleting the names of employees from the list of selected candidates without conducting any enquiry and the same was confirmed by the Division Bench of this Court in W.A.No.1259 of 2003, dated 29-08-2003. He, therefore, approached this Court through this writ petition seeking a writ of mandamus declaring that the action of the 2nd respondent through the proceedings dated 19-10-2002 deleting his name from the list of selected candidates as illegal, unjust, amounts to an act of victimization and also in violation of Articles 14, 16 and 21 of the Constitution of India and to direct the 2nd respondent to reinstate him into service.

3. The respondents could not place any material to show whether any prior notice was issued or any enquiry was conducted against the petitioner for his unauthorized absence. In the absence of issuing prior notice or conducing any enquiry, the deletion of the name of the petitioner from the list of selected candidates cannot be sustained. The order of the 2nd respondent dated 19-10-2002 is set aside. The 2nd respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties according to rules.

4. The Writ Petition is accordingly allowed. No order as to costs.

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September 2,2004

KVR

To

1. The Managing Director, A.P.State Road Transport Corporation, rep., by its Musheerabad, Hyderabad.

2. The Regional Manager, APSRTC, Cuddapah Region, Cuddapah District.

3. Two C.D copies.